

Proposed Rule Amendments
Rule 2-12, Leave of Absence without Pay
Rule 2-14, Veterans' Preference and Military Leave

Rev A (June 24, 2004)

Additions are underlined. Deletions are ~~struck-through~~

1 2-12 Leave of Absence without Pay

2 2-12.1 Authorization

3 An appointing authority may grant an employee a leave of absence without pay and without
4 loss of employment status. Additionally, the appointing authority must grant a leave of
5 absence without pay when specifically required by the commission.

6 2-12.2 Expiration

7 A leave of absence without pay expires on the date established by the appointing authority,
8 unless extended by the appointing authority. If an employee on a leave of absence without
9 pay does not return to work on or before the end of the leave, the employee is separated.

10 2-12.~~2~~3 Restoration to Position

11 When an authorized leave of absence without pay expires or the appointing authority
12 authorizes a return to work before the end of the leave, the employee ~~must be~~ is returned to
13 work as follows:

14 (a) Unless subsection (b) or (c) apply, the employee is returned to the ~~restored to the~~ position
15 formerly occupied or an equivalent position.

16 (b) If the appointing authority has demoted the employee since the beginning of the leave
17 under rule 2-6 [Discipline] or rule 3-3 [Appointments and Job Changes], the employee is
18 returned to an appropriate position at the lower level and pay. ~~The appointing authority~~
19 ~~may approve restoration before the expiration of the leave.~~

2-12.3 — Abolishment of Position

(c) If the ~~position of an~~ employee's position ~~is was~~ abolished during ~~a the~~ leave ~~of absence~~ ~~without pay~~, the employee is returned to the classified service in accordance with rule 2-5 [Employment Preference].

(d) At the expiration of a medical leave of absence, if the employee is medically qualified to return to work, the employee is returned to a position as provided in subsection (a), (b), or (c), as appropriate. If the employee is not medically qualified to return to work, the employee is separated.

2-12.4 Annual Leave Balance

(a) **Retention during leave.** An employee may choose to retain an annual leave balance during a leave of absence in accordance with the official compensation plan.

(b) **Limitation and exception.** Payment for annual leave due an employee who does not return from a leave of absence is at the employee's last rate of pay

2-12.5 Medical Leave of Absence

An appointing authority may grant a medical leave of absence without pay for up to 6 months to an eligible employee whose sick leave is exhausted. An employee is eligible for a medical leave of absence only if the employee has the equivalent of at least 6 months full-time employment at the time the leave is granted. If an employee on medical leave requests an extension before the leave expires, an appointing authority is authorized to extend the leave to a maximum of one year. Any extension of a medical leave beyond one year requires the written approval of the state personnel director.

2-14 Veterans' Preference and Military Leave

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2-14.3 Regular Military Leave of Absence

(a) **General provisions; without pay.** A classified employee in an indefinite appointment who enters military service in the armed forces of the United States under the provisions of the selective service law, by call to duty, or by voluntary entrance in lieu of being called to duty, is entitled to a military leave of absence for the period of time required to fulfill the military obligation. The regular military leave of absence is without pay or benefits, except as provided in subsection (b). If the employee voluntarily remains in military service beyond the time required by selective service law, the leave and right to restoration to the position formerly occupied or an equivalent position automatically terminates. Continuous state service credit is allowed for the period of the military leave of absence.

(b) **Special provisions between September 11, 2001, and September 30, ~~2004~~2005.** If an employee is granted an emergency military leave of absence after September 11, 2001, and thereafter is placed on a regular military leave of absence, the employee is entitled to the regular military leave of absence with pay for any active duty period between September 11, 2001, and September 30, ~~2004~~2005. The leave is with pay if the military pay is less than the employee's regular state salary, for each day of absence from scheduled state employment. The pay is equivalent to the difference between the employee's military pay and regular state salary. During any period of military leave with pay, the employer shall also continue to pay the employer's portion of the cost of continuing group medical, dental, and vision insurance.

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2-14.14 Military Leave for Limited-term Employees

An appointing authority shall grant a military leave of absence to a classified employee in a limited-term appointment who is a member of a reserve component of the armed forces and is ordered to perform emergency duty, by compulsory call of the governor or the president, as provided below:

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(c) **Special provisions between September 11, 2001, and September 30, ~~2004~~2005.** If an employee is granted a limited-term military leave of absence after September 11, 2001, the employee is entitled to the limited-term military leave of absence with pay for any

1 active duty period between September 11, 2001, and September 30, ~~2004~~2005. The
2 leave is with pay if the military pay is less than the employee's regular state salary, for
3 each day of absence from scheduled state employment. The pay is equivalent to the
4 difference between the employee's military pay and regular state salary. During any
5 period of military leave with pay, the employer shall also continue to pay the employer's
6 portion of the cost of continuing group medical, dental, and vision insurance. Salary and
7 benefit continuation payments authorized in this subsection expire on the earlier of
8 (1) the date the limited-term military leave of absence expires or (2) September 30, ~~2004~~
9 2005.
